

# **Exhibit 1**

**Supplemental Expert Report of Eldon Vail**

*Dockery v. Hall, No. 3:13-cv-326-WHB-JCG*

Submitted December 29, 2017

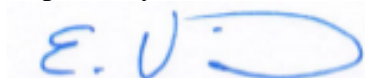
### **Supplemental Expert Report of Eldon Vail**

1. Plaintiffs' counsel retained me to evaluate and offer my opinion regarding the safety and security of prisoners confined at the East Mississippi Correctional Facility ("EMCF").
2. I submitted an expert report on December 29, 2016 (the "December 2016 Expert Report") with my opinions regarding the safety and security of prisoners at the East Mississippi Correctional Facility. I submitted a rebuttal report in response to Defendant's expert witness' reports on March 23, 2017 (the "March 2017 Rebuttal Report").
3. After submitting my March 2017 Rebuttal Report, I reviewed the documents and videos listed in **Exhibit 1**. These materials were produced to Plaintiffs after my December 29, 2016 expert report, and address conditions and operations at EMCF through July 2017. Based on my review of the documents and videos in Exhibit 1, I reaffirm the opinions listed in my December 2016 Expert Report and March 2017 Rebuttal Report, which continue to apply to conditions and operations at EMCF in 2017. I continue to believe, as I stated in my December 2016 Report, that EMCF "is and remains a very dangerous prison," and "[t]here is clearly a substantial risk of serious harm at EMCF on a current and on-going basis."
4. Since the submission of my March 2017 Rebuttal Report, I have served as an expert witness and correctional consultant, and given deposition or trial testimony in the following cases:
  - ***Padilla v. Beard, et al***  
Case 2:14-at-00575  
United States District Court, Eastern District of California,  
Sacramento Division  
Testified, April 19, 2017
  - ***Braggs, et al v. Dunn, et al***  
No. 2:14-cv-00601-WKW-TFM  
United States District Court, Middle District of Alabama  
Testified, December 22, 2016, January 4, 2017,  
February 21, 2017, and December 5, 2017
  - ***Cole v. Livingston***  
Civil Action No. 4:14-cv-1698  
United States District Court, Southern District of Texas, Houston Division  
Testified, June 20, 2017
  - ***Holbron v. Espinda***  
Civil No. 16-1-0692-04 RAN

Circuit Court of the First Circuit, State of Hawaii  
Testified, December 20, 2017

- ***Latson v. Clarke***  
No. 1:16-cv-00447-GBL-MSN  
United States District Court, Eastern District of Virginia  
Case Settled, May 2, 2017
- ***Latson v. Clarke***  
Civil No. 1:16-cv-00039  
United States District Court, Western District of Virginia Abingdon Division  
Report, September 29, 2017  
Deposed, December 28, 2017
- ***Webb v. Collier***  
Civil Action No. 6:13cv711  
United States District Court, Eastern District of Texas Tyler Division  
Report, March 13, 2017  
Deposed, May 5, 2017

Respectfully submitted:



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Eldon Vail

# **Exhibit 1**

**Supplemental Documents Considered in Forming Expert Opinion**

**Prisoner Declarations**

1. Declaration of Alfonzo Griffin
2. Declaration of Bobby Allen
3. Declaration of Bobby Mitchell
4. Declaration of Charlie Jones
5. Declaration of David Grogan
6. Declaration of Dexter Campbell
7. Declaration of Hillman Clemmons
8. Declaration of Jimmy Brewer
9. Declaration of Johnny Holton
10. Declaration of Terry Beasley

**Deposition Testimony<sup>1</sup>**

1. Deposition of Charles Pickering
2. Deposition of Christopher Dykes
3. Deposition of Frank Shaw
4. Deposition of Marjorie Brown
5. Deposition of Marjorie Brown—30(b)(6)
6. Deposition of Marilyn Braxton
7. Deposition of Michael Rice
8. Deposition of Michael Sullivan
9. Deposition of Norris Hogans
10. Deposition of Pelicia Hall
11. Deposition of Shawanda Wallace
12. Deposition of Simone Jones
13. Deposition of Tony Compton
14. Deposition of Tyeasa Evans
15. Deposition of Vernell Thomas
16. Deposition of Jerry Williams—30(b)(6)

**Reports and Other Documentation**

1. April 2016 On-Site Contract Monitoring Worksheet- DEF-213230
2. May 2016 On-Site Contract Monitoring Worksheet - DEF-213246
3. June 2016 On-Site Contract Monitoring Worksheet - DEF-213262
4. July 2016 On-Site Contract Monitoring Worksheet - DEF-213278
5. August 2016 On-Site Contract Monitoring Worksheet - DEF-213294
6. September 2016 On-Site Contract Monitoring Worksheet - DEF-213310
7. October 2016 On-Site Contract Monitoring Worksheet - DEF-213326
8. December 2016 On-Site Contract Monitoring Worksheet - DEF-213342
9. January 2017 On-Site Contract Monitoring Worksheet - DEF-311883
10. February 2017 On-Site Contract Monitoring Worksheet - DEF-311899
11. March 2017 On-Site Contract Monitoring Worksheet - DEF-311915
12. May 2017 On-Site Contract Monitoring Worksheet - DEF-311931

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<sup>1</sup> The depositions reviewed included the corresponding deposition exhibits.

13. June 2017 On-Site Contract Monitoring Worksheet - DEF-311948
14. July 2015– June 2016 MDOC Monthly Reports- DEF-215921
15. July 2016 – June 2017 MDOC Monthly Reports - DEF-302176
16. Employee Discipline Report- DEF-300737 - DEF-300854
17. Work Orders- DEF-300528-DEF-300707
18. MTC Residential Services Agreement- DEF-257565
19. Contraband Report- DEF-306007-DEF-306046
20. PREA Report 2016.12.21 - DEF-302870
21. PREA Report 2016.11.16 - DEF-302849
22. PREA Report 2016.11.5 - DEF-302860
23. PREA Report 2016.10.31 - DEF-302760
24. PREA Report 2016.10.27 - DEF-302722
25. PREA Report 2016.10.24 - DEF-302747
26. PREA Report 2016.10.13 - DEF-302772
27. PREA Report 2016.10.04 - DEF-302796
28. PREA Report 2016.09.07 - DEF-302711
29. PREA Report 2016.08.09 - DEF-302700
30. PREA Report 2016.08.01 - DEF-302817
31. PREA Report 2016.07.24 - DEF-302737
32. PREA Report 2016.07.10. - DEF-302804
33. PREA Report 2016.06.27 - DEF-302687
34. PREA Report 2016.04.21 - DEF-302676
35. PREA Report 2016.04.16 - DEF-302666
36. PREA Report 2016.03.13 - DEF-302652
37. PREA Report 2016.02.14 - DEF-302631
38. PREA Report 2015.11.15 - DEF-302576
39. PREA Report 2015.10.29 - DEF-302567
40. PREA Report 2015.10.27 - DEF-302546
41. PREA Report 2015.09.30 - DEF-302618
42. PREA Report 2015.08.30 - DEF-302521
43. PREA Report 2015.08.20 - DEF-302535
44. PREA Report 2015.08.18 - DEF-302507

**Extraordinary Occurrence Reports (EOR)**

1. 17-1074
2. 17-0586
3. 17-0584
4. 17-0583
5. 17-0582
6. 17-0579
7. 17-0575
8. 17-0574
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13. 17-0569
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284.16-0368  
285.16-0205  
286.16-0200  
287.15-0209

**Videos & Photos (and associated incident reports if produced)**

1. EMCF-16-200
2. EMCF-16-0533 PUOF 16-0157
3. EMCF-16-0539
4. EMCF-16-0541 PUOF-16-0160
5. EMCF-16-0542 PUOF-16-0161
6. EMCF-16-0546-EMCF-PUOF-16-0164
7. EMCF-16-0592 PUOF-16-0178
8. EMCF-16-0609 SUOF-16-0183
9. EMCF-16-0639 PUOF-16-0191
10. EMCF-16-0645
11. EMCF-16-0676 PUOF-16-0204
12. EMCF-16-0683 PUOF-16-0190
13. EMCF-16-0685
14. EMCF-16-0692
15. EMCF-16-0718 SUOF-16-0222
16. EMCF-16-0739
17. EMCF-16-0772 PUOF-16-0246
18. EMCF-16-0776 PUOF-16-0250
19. EMCF-16-0782
20. EMCF-16-0800 PUOF-16-0261
21. EMCF-17-0002
22. EMCF-17-0003 PUOF-17-0001
23. EMCF-17-0005
24. EMCF-17-0009
25. EMCF-17-0012
26. EMCF-17-0015 SUOF-17-0025
27. EMCF-17-0019
28. EMCF-17-0027 SUOF-17-0004
29. EMCF-17-0036 PUOF-17-0006
30. EMCF-17-0045
31. EMCF-17-0061 SUOF-17-0009
32. EMCF-17-0065 SUOF-17-0010
33. EMCF-17-0080
34. EMCF-17-0081 SUOF-17-0013
35. EMCF-17-0083 SUOF-17-0014
36. EMCF-17-0085 SUOF-17-0015
37. EMCF-17-0086 SUOF-17-0016
38. EMCF-17-0089 PUOF-17-0017
39. EMCF-17-0090 PUOF-17-0018
40. EMCF-17-0091 PUOF-17-0019
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52. EMCF-17-0163 PUOF-17-0048  
53. EMCF-17-0166 PUOF-17-0050  
54. EMCF-17-0178 SUOF-17-0056  
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56. EMCF-17-0200 PUOF-17-0065  
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71. EMCF-17-0301 SUOF-17-0098  
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73. EMCF-17-0326 PUOF-17-0114  
74. EMCF-17-0336 SUOF-17-0118  
75. EMCF-17-0339 SUOF-17-0119  
76. EMCF 17-0361 SUOF-17-0124  
77. EMCF-17-0366 PUOF-17-0127  
78. EMCF 17-0368 SUOF-17-0128  
79. EMCF 17-0370 SUOF-17-0129  
80. EMCF-17-0380 SUOF-17-0132  
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83. EMCF-17-0408 PUOF-17-0143  
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89. EMCF-17-0429 SUOF-17-0154  
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92. EMCF-17-0449 SUOF-17-0162
93. EMCF-17-0550 SUOF-17-0163
94. EMCF-17-0573
95. EMCF-17-0586

**ARPs**

1. EMCF 17-835
2. EMCF 17-963
3. EMCF-17-03
4. EMCF-17-13
5. EMCF-17-26
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9. EMCF-17-84
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14. EMCF-17-195
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17. EMCF-17-219
18. EMCF-17-237
19. EMCF-17-243
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37. EMCF-17-428
38. EMCF-17-439
39. EMCF-17-446
40. EMCF-17-454



41. EMCF-17-476  
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86. EMCF-16-653

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96. EMCF-16-813
97. EMCF-17-900
98. EMCF-16-920
99. EMCF-16-991
100. EMCF-16-1038

**Prisoner Disciplinary Reports**

1. 8.4.16- DEF-219193 - DEF-219351
2. 8.15.16- DEF-220462 - DEF-220583
3. 9.30.16- DEF-221932 - DEF-222004
4. 10.2.16- DEF-222005 - DEF-222114
5. 10.3.16- DEF-222241 - DEF-222397
6. 10.24.16- DEF-223162 - DEF-223266
7. 11.22.16- DEF-224069 - DEF-224254
8. 3.9.17- DEF-228049 - DEF-228167
9. 3.15.17- DEF-228406 - DEF-228528
10. 7.21.16- DEF-229135 - DEF-229340
11. 5.10.17- DEF-290187 - DEF-290332
12. 3.29.17- DEF-290802 - DEF-290954
13. 4.12.17- DEF-291119 - DEF-291225
14. 6.8.17- DEF-300860 - DEF-301692

**Segregation Logs and Logbooks**

1. Unit 5A Jan 20- Jan 27 2017
2. Unit 5A Jan 27-Feb 2 2017
3. Unit 5A Feb 3- Feb 9 2017
4. Unit 5A April 7-April 13
5. Unit 5A May 19-May 25
6. Unit 5A June 23-June 29 2017
7. Unit 5B Jan 20- Jan 26 2017
8. Unit 5B Feb 3- Feb 9 2017
9. Unit 5B Feb 10- Feb 16 2017
10. Unit 5B Feb 24-March 2 2017
11. Unit 5B March 17-March 23 2017
12. Unit 5B April 7-April 13 2017
13. Unit 5B May 19-May 25 2017
14. Unit 5B June 23-June 29 2017

15. Unit 5C Sep 30-Oct 6 2016
16. Unit 5C Jan 20- Jan 26 2017
17. Unit 5C Jan 27-Feb 2 2017
18. Unit 5C March 10-March 16 2017
19. Unit 5C April 14-April 20 2017
20. Unit 5C May 19-May 25 2017
21. Unit 5C June 23-June 29 2017
22. Dec 2016 HU5 Logbook
23. Nov-Dec 2016 HU5 Logbook
24. HU5 Oct 2016 HU5 Picket Logbook
25. Dec 2016-Jan 2017 HU6 Logbook
26. Nov-Dec 2016 HU6 Logbook
27. Dec 2016 HU2 Logbook
28. Dec 2016 HU1 Logbook
29. Nov 2016 HU3 Logbook
30. Nov 2016 HU4 Logbook
31. Nov-Dec 2016 HU7 Logbook
32. March 2017 HU4 Logbook
33. March 2017 HU5 Logbook
34. March 2017 HU7 Logbook
35. March 2017 HU3 Logbook
36. Mar-April 2017 HU6 Logbook
37. Mar-April 2017 HU2 Logbook
38. Jan-Feb 2017 HU1 Logbook
39. Jan-Feb 2017 HU3 Logbook
40. Jan-Feb 2017 HU5 Logbook
41. April 2017 Intake Logbook
42. April 2017 HU6 Logbook